

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DARIAN OWENS,

Petitioner,

v.

WILLIAM A. GITTERE, *et al.*,

Respondents.

Case No. 3:21-cv-00307-MMD-WGC

ORDER

Petitioner Darian Owens, a Nevada state inmate, has submitted a *pro se* petition for writ of habeas corpus under 28 U.S.C. § 2254. (ECF No. 1-1.) This habeas matter is before the Court on Owens's application to proceed *in forma pauperis* ("IFP") (ECF No. 1).

Under 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. The Court may authorize a person to begin an action without prepaying fees and costs if the person demonstrates poverty through an IFP application. An inmate's IFP application must be submitted on the Court's form and include specific financial information: (1) a copy of the inmate's account statement for the six-month period prior to filing, (2) a financial certificate signed by the inmate *and* an authorized prison official, and (3) the inmate's financial acknowledgement confirming under the penalty of perjury that the financial information is true. See 28 U.S.C. § 1915; LSR 1-1, LSR 1-2.

Here, Owens has requested IFP status to waive his filing fee. However, he did not submit a financial certificate signed by an authorized officer at the Nevada Department of Corrections. In addition, Owens has not submitted a certified copy of his inmate trust account statement for the six-month period preceding this habeas action.

Although Owens may qualify for IFP status, the Court is unable to make such determination without all of the correct documents. Owens's IFP application lacks the

1 appropriate financial information and documentation required by § 1915(a) and the Local
2 Rules and is therefore denied without prejudice. Owens will have approximately 45 days
3 from the date of this order to either pay the \$5.00 filing fee or submit a complete IFP
4 application with all required attachments.

5 It is therefore ordered that Petitioner Darian Owens's application to proceed *in*
6 *forma pauperis* (ECF No. 1) is denied without prejudice.


7 The Clerk of Court is directed to retain the petition for writ of habeas corpus (ECF
8 No. 1-1), and send Owens a blank IFP application for incarcerated individuals along with
9 instructions.

10 It is further ordered that Owens must file a complete IFP application within 45 days
11 from the date of this order which must include: (1) a financial certificate signed by Owens
12 and an authorized prison official, (ii) Owens's financial affidavit and acknowledgement,
13 and (3) a statement of Owens's inmate trust account for the six-month period prior to
14 filing. Alternatively, Owens must pay the \$5.00 filing fee.

15 The initial screening of Owens's petition under the Rules Governing Section 2254
16 Cases in the United States District Courts and consideration of Owens's motion for
17 appointment of counsel (ECF No. 1-2) are deferred to until such time as Owens has fully
18 complied with this order.

19 Owens's failure to comply with this order by submitting a completed IFP application
20 with the required documents, or paying the filing fee, before the deadline will result in the
21 dismissal of Owens's petition without prejudice and without further advance notice.

22 DATED THIS 18th Day of August 2021.

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25 _____
26 MIRANDA M. DU
27 CHIEF UNITED STATES DISTRICT JUDGE
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